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E.O. 12958: DECL: 10/31/2033
TAGS: [KOMC](#) [PGOV](#) [PREL](#) [ECCT](#) [AF](#) [GM](#)
SUBJECT: ATTEMPTED EXPORT OF GERMAN-ORIGIN HELICOPTERS TO
AFGHANISTAN: GERMAN FEDERAL SECURITY COUNCIL EXPECTED TO
ISSUE PERMISSION ON NOVEMBER 5

REF: A. AMEMBASSY BAKU CHARGE DONALD LU EMAIL OF OCTOBER
31
[1](#)B. BERLIN 1465

Classified By: A\DCM Robert A. Pollard for reasons 1.4 (b) and (d)

[1](#)1. (S/NF) Summary. The German Federal Security Council (Bundessicherheitsrat) is likely to reach a formal decision to permit movement of the three German-origin helicopters to Afghanistan in a meeting scheduled for November 5 (ref B). The Chancellery, MFA, Economic Ministry and its export control agency (BAFA) continue to hold that entry of the Pumas into Afghanistan or other proscribed countries would violate German export law, until or unless the government approves Presidential Airways' (PA's) application to do so. The Chancellery, however, reportedly supports a favorable resolution of the matter because of U.S. military airlift needs in Afghanistan. Chancellor Merkel herself has been briefed on the case, a fact that demonstrates both the seriousness with which the Germans are taking this matter, and their extreme caution on Afghanistan-related issues. Embassy is encouraging PA to provide written assurances to the German government that the helicopters will not be transferred to Afghanistan until formal approval of the export license. End Summary.

[1](#)2. (S) On October 30, A/DCM contacted Ambassador Viktor Elbling (filling in for Ruediger von Fritsch, the DG for Economic Affairs) in the Foreign Ministry to ascertain the government's current views on the Puma contract. Elbling was fully aware of PA's apparent intention to send the helicopters to Afghanistan without permission from the German government, and reaffirmed that doing so would clearly violate German export control laws and subject perpetrators to possible criminal penalties. We then asked about a story that the Embassy's Office of Defense Cooperation had heard, to the effect that the Federal Security Council (Germany's Deputies-level committee for security issues, including arms

sales) might approve PA's earlier application to operate the Pumas in Afghanistan in a previously scheduled November 5 meeting. Without confirming or denying the story, Elbling replied that we should check with the Chancellery on this, and that he could say nothing else on the issue. A/DCM further confirmed this information with another MFA official in their Arms Control Division on October 31.

13. (S) On October 31, A/DCM spoke with an official at the Chancellery who is responsible for arms sales. We emphasized that we fully supported Germany's export control laws, but would hope that the Council would support transfer of the Pumas to Afghanistan, if at all possible, to support the U.S. military's airlift needs. Our contact confirmed that the Council would meet on November 5, and that it would deny PA's application if they flew the helicopters (now in Baku; ref A) to Afghanistan without German Government permission; on the other hand, the Council would likely approve the transfer so long as PA kept the helicopters in Baku for the time being. The main reason for the apparent shift was that the German government appreciated the serious need for the helicopters in Afghanistan and wanted to be helpful to U.S. forces.

14. (S/NF) We asked our Chancellery interlocutor how likely it was that the Council would approve PA's application. He explained that he was "80 percent certain" because just that morning (October 31), he had "briefed Chancellor Merkel and recommended this action, and she seemed favorably disposed." To improve the chances of a favorable outcome, the Chancellery official asked for written assurances from PA that it would not move the aircraft to Afghan before the

German Government decision on the matter (expected at the November 5 Council meeting). ODC is sending a message to this effect to PA today.
Timken Jr